GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:353
ANSWERED ON:14.08.2007
CUSTODIAL DEATHS
Annayyagari Shri Sai Prathap;Kaushal Shri Raghuvir Singh;Sidhu Shri Navjot Singh

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Government proposes to make the reporting of deaths in judicial or police custody to Human Rights Commission (NHRC) within 24 hours obligatory;

(b) if so, the details thereof;

(c) the total number of custodial deaths reported by the NHRC during each of the last three, till date, State-wise;

(d) the action taken by the Government against the erring officials; and

(e) the steps taken by the Government to check such incidents in future?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SRIPRAKASH JAISWAL)

(a) & (b): As per the guidelines issued by the National Human Rights Commission (NHRC), the States/Union Territories are under obligation to report to the NHRC every death whether in judicial custody or police custody within 24 hours of its occurrence irrespective of the cause of death of the deceased. The NHRC calls for reports to find out, if there is any omission or commission on the part of a public servant which may have resulted in violation of human rights of the deceased.

(c): As per the reports received by the NHRC from States/Union Territories, a statement indicating the number of custodial deaths for the years 2004-2005 to 2007-2008 (upto 08.8.2007) is enclosed as Annexure.

(d): The NHRC has recommended interim relief/disciplinary action in 31 proven cases of custodial violence in police custody and 36 cases in judicial custody during the period from 01.4.2005 to 8.8.2007. The amount of compensation awarded during the period from 1.4.2005 to 8.8.2007 is Rs. 30,25,000/- in police custody death cases and Rs. 35,00,000/- in judicial custody death cases.

(e): The Chairperson and Member of the NHRC during their visits to the States/Union Territories always emphasize upon State functionaries the need to curb the occurrence of custodial deaths. Besides, the Commission from time to time, while disposing of cases of custodial deaths, make appropriate observations to the State authorities to prevent occurrence of such custodial deaths in future.